

SENATE BILL 2403  
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 3; Title 39, Chapter 14, Part 4 and Section 39-17-309, relative to offenses involving arson, vandalism and civil rights intimidation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-301, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Arson is a Class C felony.

(2) Arson of a place of worship or a reproductive health services facility is a Class B felony.

(3) As used in this subsection:

(A) "Place of worship" means any structure that is:

(i) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(ii) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

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(B) "Reproductive health services facility" means any hospital, clinic, office, building, or other place used to provide medical, psychological, nursing or other health care services, including family planning counseling and pregnancy-related services.

SECTION 2. Tennessee Code Annotated, Section 39-14-302, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Aggravated arson is a Class A felony. It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship or to a reproductive health services facility.

(2) As used in this subsection:

(A) "Place of worship" means any structure that is:

(i) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(ii) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

(B) "Reproductive health services facility" means any hospital, clinic, office, building, or other place used to provide medical, psychological, nursing or other health care services, including family planning counseling and pregnancy-related services.

SECTION 3. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subsections (c)(2) and (c)(3) and substituting instead the following:

(2) It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship or to a reproductive health services facility.

(3) As used in this subsection

(A) "Place of worship" means any structure that is:

(i) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(ii) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

(B) "Reproductive health services facility" means any hospital, clinic, office, building, or other place used to provide medical, psychological, nursing or other health care services, including family planning counseling and pregnancy-related services.

SECTION 4. Tennessee Code Annotated, Section 39-17-309, is amended by adding the following new subpart to subsection (b):

( ) By force or threat of force or by physical obstruction intentionally injures, intimidates, or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been obtaining or providing services at a reproductive health services facility. As used in this subpart, "reproductive health services facility" means any hospital, clinic, office, building, or other place used to provide medical,

psychological, nursing or other health care services, including family planning counseling and pregnancy-related services.

SECTION 5. This act shall take effect July 1, 1998, the public welfare requiring it.